

Question for written answer E-003651/2022
to the Commission
Rule 138
Clara Aguilera (S&D)

Subject: Fresh garlic fraudulently imported from China under the frozen heading of the customs code

The EU imports 28 500 tonnes of frozen garlic. Such a large volume raises the suspicion that some of it is, in fact, fresh. According to a CJEU judgment, the frozen classification means that the garlic is below -20°C. However, this information is not included in the tariff code and therefore does not reach the customs inspectors.

It is clear that at temperatures of -3°C or -4°C the garlic is without doubt fresh and should under no circumstances come under the frozen heading.

1. When does the Commission intend to update the customs code in line with the rule laid down by the CJEU, so that inspectors are properly informed as to how to carry out their duties?
2. What action is the Commission taking to prevent the entry of consignments of fresh garlic as frozen so as to avoid the very serious damage that this is causing to producers of fresh garlic in Europe, and also to those of frozen garlic, since their price is significantly higher than that from China?

Submitted: 9.11.2022